

## Local Rules for Presentence Investigations

### **The Presentence Investigation**

Criminal defendants sentenced in the Western District of North Carolina are subject to the guideline sentencing procedures under the Federal Sentencing Reform Act of 1984.

Once a criminal defendant enters a plea of guilty, or is found guilty following trial, the U. S. Probation Office prepares a Presentence Investigation Report, which includes guideline sentencing calculations, the defendant's criminal history, if any, a description of the defendant's personal background, and the sentencing options available to the Court. The parties and the defendant have an opportunity to review the report and request corrections prior to sentencing.

To assist in preparing the Presentence Report the Probation Office asks that defense counsel have their clients sign and complete an "Authorization to Release Information" and a "Financial Declaration." The documents can be found elsewhere on this site.

If the defendant has not previously submitted copies of the following information to the Pretrial Services Officer, the defense attorney should forward the copies, along with the above-mentioned documents, to the U. S. Probation Office via U. S. Mail. The documents may also be placed in the box marked "U.S. Probation Office" in the Magistrate courtrooms. **This information must be provided within 14 days following entry of plea or verdict.** Information needed:

Birth Certificate	Current payroll stub(s)
Social Security Card	W-2 forms for the past two years
School records and/or diplomas	List of employers with dates of employment
Marriage Certificate(s)	for the past 10 years
Divorce Judgment(s)	List of addresses with approximate dates resided
Military Discharge papers	there for the past 10 years

The probation officer will contact the defense attorney about interviewing the defendant to obtain additional background information needed to complete the investigation. The defense attorney may be present during the interview, but their presence is not required. In addition, the defense attorney should feel free to take to the Presentence interview any other material that the defense attorney feels may be important.

**Part F** of each Presentence Investigation Report may include information pursuant to 18 U.S.C. § 3553(a) about proposed variances from the advisory guideline range. If the defense attorney or government would like this information included in the Presentence Investigation Report, it must be typed and submitted via email **within 14 days following entry of plea or verdict.**

Although the Probation Office attempts to complete investigations in a timely manner, the workload in this District sometimes prolongs the process. The Probation Office also tries to give priority to those defendants in custody.

## **The Disclosure Process**

All Presentence Investigation Reports (Report) prepared for the Western District of North Carolina will be filed by the U. S. Probation Office under seal via the Court's Case Management/Electronic Case Files (CM/ECF) system. Upon each filing the parties of record will receive a notice of electronic filing (NEF) via email. The NEF will be the only notification of filing, and CM/ECF will be the only method of delivery of the documents.

See "Disclosure Process" elsewhere on this web site.

## **Accelerated (previously "Expedited") Presentence Investigation Reports**

In certain cases the Probation Office may prepare an **Accelerated Presentence Investigation Report**. If the defense attorney would like a defendant to be considered for the Accelerated Program, the defense attorney must contact the U.S. Probation Office within 24 hours of plea.

See "Accelerated Presentence Reports" elsewhere on this web site.

## **Modified Presentence Investigation Reports**

Should a defendant meet the criteria outlined by the Court in [\*Misc. Order 1:05-mc-227\*](#), a **Modified Presentence Investigation Report** will be prepared. An Accelerated Report contains only offense conduct, offense level calculations, criminal history calculations and the sentencing options available to the Court.

See "Modified Presentence Reports" elsewhere on this web site.

## **Miscellaneous**

All parties are cautioned that no copies of the Report may be made, nor is the report to be reviewed by parties other than the defendant, the defense attorney of record and the appropriate Assistant United States Attorney. Copies of the Report may be retained by all parties but are subject to the disclosure prohibition.

During the sentencing hearing, the Court will order an assessment as to each count for which guilt has been established. If the assessment was not paid prior to sentencing, defense attorneys must ensure that their defendants have funds available to pay the assessment immediately after sentencing.